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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,245	01/24/2002	Douglas Ross Cardy	CCK94028	3727

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VERIZON  
PATENT MANAGEMENT GROUP  
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ARLINGTON, VA 22201-2909

EXAMINER
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ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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01/24/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/054,245

Applicant(s)

CARDY ET AL.

Examiner

Ovidio Escalante

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2614

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 1-10 and 32-39.  
Claim(s) objected to: 14-21 and 25.  
Claim(s) rejected: 11-13, 22-24, 26-31 and 40-62.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

**OVIDIO ESCALANTE  
PATENT EXAMINER**

*Ovidio Escalante*

Ovidio Escalante  
Primary Examiner  
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Continuation of 3. NOTE: Regarding claims 11, 29,30 and 40, the addition of "facility related event" raises new issues since the limitation was not considered before for those specific claims and thus would require further consideration..

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*Advisory Action*

***Regarding claims 22,44,45,47 and 51:***

**1. Applicant contends that Christie fails to teach of a “facility related event”. The Applicant states that the term “facility related event” as the term is conventionally used in the art, refers to raw or unprocessed events associated with a user and/or user activity at a telephone device. The Applicant cites examples of facility related events as on-hook, off-hook and wink. The Examiner respectfully disagrees.**

The Examiner notes that the term “facility related event” is a broad term and is not tied to any specific definition. Given the broad scope of facility related data, it appears that any event data is sufficient to read on the limitation “facility related event”. In fact, by further defining facility related event in dependent claims, it is clear that facility related event is broad and can be interpreted just the same. Regarding facility related event being defined as unprocessed data, the Examiner notes that Christie provides for several scenarios of unprocessed data being received.

For example, in col. 5, lines 26-39, Christie teaches of processing unprocessed data such as dialed number information in response to a call being made. In col. 15, lines 10-35, Christie discloses basic call processing for processing the unprocessed call data. Therefore, given the broad scope of “facility related event” the Examiner maintains that Christie clearly supports the use of receiving the data from the switch fabric.

The Examiner also notes that the current definition of “facility related event” differs, in a narrow sense, from the previous broad definition supplied by the Applicant. In the previous response filed on August 24, 2006, the Applicant on page 25, states that “a facility related event, as this term is conventional used in this art and consistent with its use in the present application,

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includes events associated with a user and/or user activity at a telephone device/terminal device.

The previous response makes no mentioning of facility related event being defined as processing raw or unprocessed data. Therefore, the Examiner would like to further emphasize that “facility related event” is a broad term and is not tied to any specific definition.

**2. Applicant contends that Christie fails to disclose of at least one of on-hook, off-hook or wink. The Examiner respectfully disagrees.**

The Examiner notes that in col. 15, Christie states of processing calls based on the “basic call model”. A basic call model is defined as the basic processing steps that must be performed by a switch in order to establish and tear down a call. Since off-hook symbolized the start of the establishment of a call and since on-hook, symbolizes the tear down-off a call, and since Christie provides for basic call model processing then, Chrisitie inherently detects at least on-hook and off-hook.

**3. Applicant contends that LaPorta fails to teach that a call completion device forwards a facility related event associated with a call to a call server or connection server. The Examiner respectfully disagrees.**

As stated in the final office action, the Examiner notes that claim 47 does not clearly define “facility related event”, therefore, since LaPorta states in col. 7, lines 62-66, “As part of its route control functions, connection server 504 may retrieve relevant information from other connection servers or may query channels servers 506 and 511 for appropriate information”, then it si clear that the “appropriate information (facility related event) is forwarded to the call server.